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REGULATIONS FOR CERTAIN PROTECTIVE SERVICES

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HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 1244

TO ESTABLISH PROCEDURES AND REGULATIONS FOR CERTAIN PROTECTIVE SERVICES PROVIDED BY THE UNITED STATES SECRET SERVICE

APRIL 10, 1975

Printed for the use of the Committee on Government Operations



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REGULATIONS FOR CERTAIN PROTECTIVE SERVICES

THURSDAY, APRIL 10, 1975

HOUSE OF REPRESENTATIVES,
LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, at 9:30 a.m., pursuant to notice, in room 2154, Rayburn House Office Building, Hon. Jack Brooks (chairman of the subcommittee) presiding.

Present: Representatives Jack Brooks, William S. Moorhead, Benjamin S. Rosenthal, James V. Stanton, Frank Horton, and Joel Pritchard.

Also present: Elmer W. Henderson, staff director; William B. Jones, general counsel; and Warren B. Buhler and James L. McInerney, minority professional staff, Committee on Government Operations.

OPENING STATEMENT OF CHAIRMAN BROOKS

Mr. BROOKS. This meeting of the Subcommittee on Legislation and National Security has been called to consider H.R. 1244, a bill introduced by me to establish procedures and regulations for certain protective services provided by the U.S. Secret Service.

[The bill, H.R. 1244, follows:]

(1)

94TH CONGRESS
1ST SESSION

H. R. 1244

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. Brooks introduced the following bill; which was referred to the Committees on Government Operations and the Judiciary

A BILL

To establish procedures and regulations for certain protective services provided by the United States Secret Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Presidential Protection
4 Assistance Act of 1975".

5 SEC. 2. In performance of the protective duties of the
6 United States Secret Service pursuant to section 3056 of
7 title 18 of the United States Code (pertaining to the protec-
8 tion of the President of the United States and other persons)
9 and the first section of the Act entitled "An Act to authorize
10 the United States Secret Service to furnish protection to
11 major presidential or vice presidential candidates", approved

I

1 June 6, 1968 (Public Law 90-331; 82 Stat. 170), Federal
2 departments and agencies shall assist the United States
3 Secret Service by—

4 (1) providing, with reimbursement, personnel,
5 equipment, or facilities on a temporary basis;

6 (2) providing, upon advance written request of
7 the Director of the United States Secret Service or his
8 authorized representative and upon reimbursement by
9 the United States Secret Service of actual costs, such
10 facilities, equipment, and services as are required by the
11 United States Secret Service to provide full-time secu-
12 rity for each protectee at no more than one property at
13 a time not in Government ownership or control, such
14 property having been designated by a President,
15 President-elect, former President, or any other person
16 entitled to protection under the above provisions of law,
17 as the one property to be secured under this paragraph.
18 Where more than one family member is eligible for
19 Secret Service protection, there shall be only one such
20 designated property allowed per family. However, such
21 limitation shall not be construed to apply to members
22 of the immediate family who do not permanently reside
23 with the person entitled to protection;

24 (3) providing, upon advance written request of
25 the Director of the United States Secret Service or his

1 authorized representative and upon reimbursement by
2 the Secret Service of actual costs, such facilities, equip-
3 ment, and services, as are required by the United States
4 Secret Service to secure any other property not in Gov-
5 ernment ownership or control to the extent that such
6 expenditures do not cumulatively exceed \$10,000 at any
7 one property owned, leased, occupied, or otherwise
8 utilized by persons entitled to protection under such
9 sections of title 18 and such Act unless approved by
10 resolutions adopted by the Committees on Appropria-
11 tions of the House and Senate, respectively.

12 SEC. 3. Expenditures by the United States Secret Service
13 for maintaining a permanent guard detail and for permanent
14 facilities, equipment, and services to secure non-Government
15 property owned, leased, occupied, or otherwise utilized by
16 persons entitled to protection under the above provisions of
17 law shall be limited to properties described in section 2 (2)
18 of this Act.

19 SEC. 4. All purchases and contracts entered into pursu-
20 ant to sections 2 (2), 2 (3), and 3 of this Act shall be made
21 in accordance with the provisions of the Federal Property
22 and Administrative Services Act of 1949.

23 SEC. 5. No payments shall be made pursuant to this Act
24 for services, equipment, or facilities ordered, purchased,
25 leased, or otherwise procured by persons other than officers

1 or employees of the Federal Government duly authorized by
2 the Director of the United States Secret Service to make such
3 procurements.

4 SEC. 6. All improvements and other items acquired pur-
5 suant to this Act shall remain the property of the Federal
6 Government. Upon termination of entitlement to Secret Serv-
7 ice protection or if a President, President-elect, former Presi-
8 dent, or other person entitled to protection under section
9 3056 of title 18 of the United States Code and the first sec-
10 tion of the Act entitled "An Act to authorize the United
11 States Secret Service to furnish protection to major Presi-
12 dential or Vice Presidential candidates", approved June 6,
13 1968 (Public Law 90-331; 82 Stat. 170) designates a dif-
14 ferent property to be so secured, all improvements or other
15 items shall be removed from the original property unless it
16 is economically unfeasible to do so, as determined by the
17 United States Secret Service, except that, such improvements
18 or other items shall be removed and the property restored
19 to its original state, regardless of the determination of eco-
20 nomic unfeasibility, if the owner of such property at the time
21 of determination requests removal. If improvements or other
22 items are not removed, the owner of the property at the time
23 of determination shall compensate the Government for such
24 improvements or other items to the extent they have in-

1 creased the fair market value of the property as of the date
2 of transfer or termination.

3 SEC. 7. Expenditures under this Act shall be from funds
4 specifically appropriated to the United States Secret Service
5 for carrying out the provisions of this Act. Public funds not
6 so appropriated shall not be used for the purpose of securing
7 any non-governmentally-owned property owned, leased, oc-
8 cupied, or otherwise utilized by persons entitled to protection
9 under section 3056 of title 18 of the United States Code and
10 the first section of the Act entitled "An Act to authorize the
11 United States Secret Service to furnish protection to major
12 presidential or vice presidential candidates", approved June
13 6, 1968 (Public Law 90-331; 82 Stat. 170).

14 SEC. 8. The United States Secret Service shall transmit
15 a detailed report of expenditures made pursuant to this Act
16 to the Committees on Appropriations and Committees on
17 Government Operations of the House of Representatives and
18 Senate on March 31 and September 30 of each year.

19 SEC. 9. Expenditures made pursuant to this Act shall be
20 subject to audit by the Comptroller General and his author-
21 ized representatives, who shall have access to all records
22 relating to such expenditures. The Comptroller General shall
23 transmit a report of the results of any such audit to the Com-
24 mittees on Appropriations and Committees on Government
25 Operations of the House of Representatives and the Senate.

1 SEC. 10. Section 2 of the Act entitled "An Act to author-
2 ize the United States Secret Service to furnish protection to
3 major presidential and vice presidential candidates", approved
4 June 6, 1968 (Public Law 90-331; 82 Stat. 170), is
5 repealed.

Mr. BROOKS. This bill has been referred to our Committee on Government Operations and to the Committee on the Judiciary by the Speaker under the new rules adopted last fall. The Judiciary Committee has reported the bill, with amendments, and its report has been filed. It is now up to our committee to act on the legislation, as we have been advised that it is necessary for both committees to act before the bill can be considered on the floor of the House. It may be well that we adopt the Judiciary Committee amendments so that the two reported bills can go to the floor in identical form, if at all possible.

H.R. 1244 is an outgrowth of an indepth study of expenditures of Federal funds in support of Presidential properties by our Government Activities Subcommittee in the last Congress. The report was adopted by a full committee vote of 36 ayes, 0 nays, and 2 present.

This very committee found that \$17 million in public funds was spent on President Nixon's three privately owned properties; that some items were paid for that were far in excess of security needs, or were not related to security purposes, or were not procured by authorized Government personnel.

We also found a loss of fiscal responsibility due to the location of authority among separate agencies; a failure by the Secret Service to develop fundamental managerial controls over expenditures; that no procedures were developed to handle Secret Service requests for expenditures by GSA; that no limitation was placed on the number of homes owned by a President which could be made secure, and that inadequate consideration was given to apportioning costs between the Federal Government and the private property owner.

In the last Congress I introduced legislation to carry out the recommendations of this committee. That bill, similar to H.R. 1244, was referred only to the Judiciary Committee. It passed the House by voice vote on suspension, but there was not time for it to be acted upon in the Senate.

H.R. 1244 sets certain conditions for the expenditures of funds for the protection of the President and other persons and certain designated properties. You have in your folders a summary and a section-by-section analysis.

Our witnesses today are representatives of the U.S. Secret Service, the Department of Defense, and the General Accounting Office. I hope that we can hear their testimony and, if time permits, go into a markup of the bill.

I would call as the first witness our old friend, a very distinguished and able Government employee and public servant, Bob Keller, the Deputy Comptroller General, accompanied by Mr. Irvine Crawford, the Associate Director of the General Government Division.

Mr. Keller, we have your statement. We would accept that for the record or you can read it.

Congressman Horton?

Mr. HORTON. I would just like to indicate my support for this bill. I do think we will have to make some technical changes. But I hope we can go through the testimony quickly and then markup and report the bill out.

This bill comes up under a different procedure from what we have had before in that H.R. 1244 was referred to two committees. This is

the first Congress that has allowed bills to be referred jointly to two committees of the House.

The Judiciary Committee has already acted on the bill and our committee is acting on it now.

I realize that to some extent this is repetitive but I think it is important that we have the testimony and that our committee act independently on it. Hopefully we can coordinate efforts between our committee and the Judiciary Committee and can get this legislation enacted quickly.

I do also want to take this opportunity to welcome my close, personal friend of many years, Bob Keller. Bob and I worked together very closely when I served on the Procurement Commission.

It is nice to have you, Bob, before the committee again.

STATEMENT OF ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE UNITED STATES; ACCOMPANIED BY IRVINE CRAWFORD, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION

Mr. KELLER. Thank you.

With your permission, I would like to file for the record our complete statement and in the interest of time I will highlight the statement.

Mr. BROOKS. Without objection, the statement will be received for the record. I particularly like the last paragraph.

Mr. KELLER. I will cover that, Mr. Chairman.

[Mr. Keller's prepared statement follows:]

PREPARED STATEMENT OF ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE UNITED STATES

Mr. Chairman and members of the subcommittee, we are glad to have an opportunity to give you our views on H.R. 1244, a bill which, if enacted, would be cited as the "Presidential Protection Assistance Act of 1975."

H.R. 1244 would spell out in some detail the circumstances under which protection may be furnished to the President and other persons entitled to protection under 18 U.S.C. 3056, and section 1 of the Act of June 6, 1968, Public Law 90-331, particularly with respect to security expenditures on property which is not owned by the Government. It would also revise the manner in which protective work by the Federal departments and agencies is funded.

H.R. 1244 is an outgrowth of the controversy over expenditures at President Nixon's residences at San Clemente and Key Biscayne and to a lesser extent, at other locations. As the controversy grew, GAO began to receive letters from Members of Congress, some asking for information and others calling for an investigation. These letters expressed a common concern about the magnitude of the total reported expenditures and, with respect to specific expenditures, questioned whether the work performed:

Related to protection of the President;

Provided a nonprotective benefit to the President.

Many letters also expressed an interest in expenditures made at the residences of past Presidents.

In response, GAO made a review of the expenditures for protective purposes at Key Biscayne and San Clemente, noting expenditures for other purposes when appropriate. GAO also gathered information on expenditures at the residences of several past Presidents. Our findings were included in a report to the Congress dated December 18, 1973.

As you know a parallel inquiry was conducted by the Government Activities Subcommittee of the House Committee on Government Operations. A report of the full Committee on that inquiry was transmitted to the Speaker on May 20, 1974.

Although the report made by the Comptroller General was intended to answer the primary questions being asked about the protective measures at Key Biscayne and San Clemente, we took the occasion to also review the experience of 1968-1973 in terms of budgeting, accounting, and auditing with a view to identifying what had been done or still needed to be done to strengthen control by the Congress and promote understanding by the public.

We observed that after the enactment of Public Law 90-331 of June 6, 1968, which, in addition to authorizing protection of presidential and vice presidential candidates, required Federal departments and agencies to furnish assistance to the Secret Service upon request, the Secret Service began to draw heavily on GSA appropriations in order to carry out Secret Service protective functions. This arrangement had the following weaknesses:

- GSA funds were not directly associated with Secret Service protective activities during the budget preparation and review process.
- A casual attitude in authorizing work was fostered. Because most requests were verbal, who made requests or precisely what was requested could not be readily determined.
- GSA was invited to do more than simply execute Secret Service requests, particularly when requests are vague or general.

On the basis of the foregoing we made several recommendations to the Congress, which I will discuss briefly and relate them generally to H.R. 1244 where appropriate.

First, we recommended that appropriations for expenditures at private residences for protective purposes be made to the Secret Service and no other funds be available for that purpose. In this respect, changes made in the financing of GSA public buildings activities by the Public Buildings Act Amendments of 1972 now require that the Secret Service obtain appropriations and reimburse GSA for protective assistance. However, this does not deal with the entire problem because it does not take care of expenditures by agencies not under GSA control, such as by the military. H.R. 1244 addresses this problem, by providing that expenditures for securing any nongovernmentally owned property shall only be from funds specifically appropriated to the Secret Service (Section 7), except that temporary assistance may be given by the Department of Defense and the Coast Guard without reimbursement in providing protection to the President or Vice President. (Section 2(1).)

Second, we recommended that the accounting system of the Secret Service require that expenditures at private residences for protective purposes be authorized by the Director or Deputy Director of the Service. H.R. 1244 provides that advance written request of the Director or his authorized representative is required to obtain assistance in making secure property not in Government ownership. (Sections 2(2), 2(3), and 5.)

Third, we recommended that the Secret Service make an annual public report to the Congress showing in as much detail as security will allow expenditures made on private residences for protective purposes. Section 8 of H.R. 1244 provides that Secret Service, the Department of Defense, and the Coast Guard shall transmit a detailed report of expenditures under the Act to the Committees on Appropriations, the Committees on the Judiciary, and the Committees on Government Operations on March 31 and September 30 of each year.

Fourth, we recommended that the report made by the Secret Service should be subject to audit by GAO and GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service. Section 9 of H.R. 1244 takes care of this recommendation.

In addition, we suggested that Congress may wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President and others entitled to protection, and that consideration should be given to the desirability of a Government-owned residence in Washington for the Vice President. As you know, Public Law 93-346, enacted July 12, 1974, designated the premises occupied by the Chief of Naval Operations as the official residence of the Vice President. Regarding a limit on the number of residences at which permanent protective facilities will be provided for a President, we believe that the provisions of section 2(2) which provides that only one designated property not in Government ownership or control at any one time may be given full time security protection, and the provisions of section 2(3) which limits the protection of other property to \$10,000 at any one property unless a higher amount is approved by the Appropriations Committees takes care of this recommendation.

While we did not make a recommendation in our report concerning the disposal of improvements and other items placed on private property for protective pur-

poses we are in favor of Section 6 of H.R. 1244 which provides that (1) all such improvements and other items shall remain the property of the Government; (2) upon termination of protection the improvements and other items shall be removed unless it is economically unfeasible to do so, or if the property owner insists on removal; and (3) if improvements and other items are not removed then the property owner shall compensate the Government for such improvements and other items.

We believe that H.R. 1244, as amended by the House Judiciary Committee, will do a great deal to prevent the situations disclosed in the report of this Committee last year and in the report of the Comptroller General. We recommend its favorable consideration.

Mr. KELLER. At the same time the Government Activities Subcommittee of the House Government Operations Committee was making an inquiry into Key Biscayne and San Clemente, the General Accounting Office was also making an inquiry. There were parallel inquiries but our study was primarily devoted to the budgeting, accounting, and auditing which took place in connection with protective expenditures at San Clemente and Key Biscayne.

In summary, we found that after enactment of Public Law 90-331 of June 6, 1968, which authorized the Secret Service to call on any agency of the Federal Government to furnish assistance in connection with protective services, the Service began to draw heavily, particularly on GSA appropriations, in order to carry out the Secret Service protective functions. We felt this arrangement had the following weaknesses:

- GSA funds were not directly associated with Secret Service protective activities during the budget preparation and review process.
- A casual attitude in authorizing work was fostered. Because most requests were verbal, who made requests or precisely what was requested could not be readily determined.
- GSA was invited to do more than simply execute Secret Service requests, particularly when requests are vague or general.

On the basis of our general findings, and I might add, Mr. Chairman, our report is in much more complete detail with examples, we made the following recommendations in a report which we filed on December 18, 1973:

First, we recommended that appropriations for expenditures at private residences for protective purposes be made to the Secret Service and no other funds be available for that purpose. In this respect, changes made in the financing of GSA public buildings activities by the Public Buildings Act Amendments of 1972 now require that the Secret Service obtain appropriations and reimburse GSA for protective assistance. However, this does not deal with the entire problem because it does not take care of expenditures by agencies not under GSA control, such as by the military.

H.R. 1244 addresses this problem by providing that expenditures for securing any nongovernmentally owned property shall only be from funds specifically appropriated to the Secret Service, section 7; except that temporary assistance may be given by the Department of Defense and the Coast Guard without reimbursement in providing protection to the President or Vice President, section 2(1). The latter is an amendment made by the House Judiciary Committee in its recent action.

Second, we recommended that the accounting system of the Secret Service require that expenditures at private residences for protective purposes be authorized by the Director or Deputy Director of the Service. H.R. 1244 provides that advance written request of the Director or his authorized representative is required to obtain assistance in making secure property not in Government ownership—sections 2(2), 2(3), and 5.

Third, we recommended that the Secret Service make an annual public report to the Congress showing in as much detail as security will allow expenditures made on private residences for protective purposes. Section 8 of H.R. 1244 provides that the Secret Service, the Department of Defense, and the Coast Guard shall transmit a detailed report of expenditures under the act to the Committees on Appropriations, the Committees on the Judiciary, and the Committees on Government Operations on March 31 and September 30 of each year.

Fourth, we recommended that the report made by the Secret Service should be subject to audit by GAO and GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service. Section 9 of H.R. 1244 takes care of this recommendation.

In addition, we suggested that Congress may wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President and others entitled to protection, and that consideration should be given to the desirability of a Government-owned residence in Washington for the Vice President.

As you know, Public Law 93-346, enacted July 12, 1974, designated the premises occupied by the Chief of Naval Operations as the official residence of the Vice President.

Regarding a limit on the number of residences at which permanent protective facilities will be provided for a President, we believe that the provisions of section 2(2), which provides that only one designated property not in Government ownership or control at any one time may be given full-time security protection, and the provisions of section 2(3), which limits the protection of other property to \$10,000 at any one property unless a higher amount is approved by the Appropriations Committees, takes care of this recommendation.

While we did not make a recommendation in our report concerning the disposal of improvements and other items placed on private property for protective purposes, we are in favor of section 6 of H.R. 1244 which provides that: (1) All such improvements and other items shall remain the property of the Government; (2) upon termination of protection the improvements and other items shall be removed unless it is economically unfeasible to do so, or if the property owner insists on removal; and (3) if improvements and other items are not removed then the property owner shall compensate the Government for such improvements and other items.

We believe that H.R. 1244, as amended by the House Judiciary Committee will do a great deal to prevent the situations disclosed in the report of this committee last year and in the report of the Comptroller General. We recommend its favorable consideration.

That concludes my statement, Mr. Chairman. I shall be glad to respond to any questions.

Mr. BROOKS. Mr. Keller, I want to thank you for a fine presentation, and Mr. Crawford, I thank you for your appearance here today. I think your statement is very clear and that nothing would be served by rehashing it.

Thank you very much.

Mr. HORTON. I have no questions.

Mr. KELLER. Thank you.

Mr. BROOKS. Thank you for coming down.

Next we shall ask Mr. Long of the Secret Service, to come forward. He is accompanied by Mr. Hill, the Assistant Director, Protective Forces.

Mr. Long, we are delighted to have you here. I believe we have a copy of your statement. If you would proceed we would be pleased to hear you.

STATEMENT OF FRANCIS A. LONG, ASSISTANT DIRECTOR, ADMINISTRATION, U.S. SECRET SERVICE; ACCOMPANIED BY CLINTON J. HILL, ASSISTANT DIRECTOR, PROTECTIVE FORCES

Mr. LONG. Thank you, Mr. Chairman.

I am pleased to appear before you and the other distinguished members of this committee to comment on the provisions of H.R. 1244, as amended. The purpose of the bill is "to establish procedures and regulations for certain protective services provided by the United States Secret Service."

As you know, historically, the Secret Service has from time to time called upon other Government agencies to assist it in carrying out its protective responsibilities. The Congress has recognized this need by providing express statutory provisions for this practice.

The bill before you today, H.R. 1244, as amended, expands upon existing practices and statutes by placing limitations on the number of residences that could be permanently protected and, at the same time, in some instances, requires that the Secret Service reimburse other agencies who assist the Service in carrying out its protective responsibilities.

The procedures by which the Secret Service has obtained the assistance of other agencies were studied very thoroughly by the General Accounting Office, and a number of recommendations were made to the Congress. Most of these recommendations already have been implemented by the Secret Service, including the establishment of comprehensive written procedures for the acquisition of space, alterations, and services at locations involving protective operations.

Essentially, the issues raised by the General Accounting Office that have not yet been addressed are those matters such as the limitation on the number of residences that may be provided permanent protection and the provision for reimbursements to other agencies, which will require the action of the Congress. In this regard, we would appreciate the opportunity to work with members of the committee staff to clarify some technical points in the existing language of H.R. 1244, as amended.

Due to the exigencies of the situation, time did not permit clearance of this statement with the Office of Management and Budget.

Mr. Chairman, this concludes my remarks, and I shall now be glad to answer any questions you or the other members of the committee may have.

Mr. BROOKS. Mr. Long, I appreciate your comments. I would say just in general, then, that it is your conclusion that the bill would be workable.

Mr. LONG. I see no impediment to the working of the bill. There are some items which would require clarification, but in the event we do not have an opportunity to clarify them with the committee staff we would submit written requests to the Comptroller General for decision.

Mr. BROOKS. Fine.

Mr. LONG. This is primarily in the following area—in many instances we request assistance from other agencies where it seems to us there is a responsibility to perform, anyway. There has to be some delineation of what an agency has to do under its own charter as opposed to what it does to assist the Secret Service. I do not believe these to be insurmountable problems.

Mr. BROOKS. What people are you required to protect and for how long under title 18, United States Code 3056?

Mr. HILL. Under title 18, section 3056, the President and his immediate family; the President-elect; the Vice President and his immediate family; the Vice President-elect; major candidates for the Offices of President or Vice President; heads of foreign governments, chiefs of state, other distinguished foreign visitors to the United States; former Presidents and their wives; widows of former Presidents until her death or remarriage; minor children of former Presidents until they reach the age of 16; and Americans on official missions abroad at the direction of the President.

Mr. BROOKS. And officer next in succession to the President?

Mr. HILL. That is right.

Mr. HORTON. This bill does not change any of that jurisdiction. We do not touch on the matter of coverage of the Secret Service in this respect.

Mr. HILL. That is correct.

Mr. BROOKS. Mr. Long, you do interpret the bill to give you temporary authority to do anything that is necessary to protect any of these protectees?

Mr. LONG. Yes, Mr. Chairman.

Mr. BROOKS. That is the intent of the bill and that is the way you interpret it and understand it?

Mr. LONG. Yes, we interpret it that way.

Mr. BROOKS. You might argue a little about who paid for it, but there is no hesitancy on the part of the Secret Service in doing immediately what is necessary.

Mr. LONG. There is one section, section 2(1), where the word "may" is used for services provided by the Defense Department, which seems to indicate there might be some discretion on their part.

Mr. BROOKS. We have discussed that at some detail with both the Republicans and Democrats. It is my understanding that the minority counsel discussed with you that language.

Mr. LONG. That is right.

Mr. BROOKS. And that you were happy to see that it might be changed to "shall" from "may."

Mr. LONG. That is correct, Mr. Chairman.

Mr. BROOKS. That will be done, I anticipate.

Are there other questions of Mr. Long, gentlemen?

Mr. ROSENTHAL. I have nothing.

Mr. PRITCHARD. I have nothing.

Mr. BROOKS. If there are no questions I thank both of you for being here. We appreciate your cooperation and hope we can get this implemented shortly.

Mr. LONG. Thank you, Mr. Chairman.

Mr. BROOKS. From the Department of Defense we have Mr. Robert T. Andrews, Special Assistant to the General Counsel, Office of the Secretary of Defense; and Col. Peter Kempf, Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense.

Mr. Andrews, I would hope that you could summarize your very excellent statement rather than read it. Certainly we shall include a copy of the splendid letter that you and your colleague, Mr. Hoffman, have graciously submitted to the Judiciary Committee earlier this year.

[See app. 1, p. 21.]

**STATEMENT OF ROBERT T. ANDREWS, SPECIAL ASSISTANT TO THE
GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE;
ACCOMPANIED BY COL. PETER KEMPF, MILITARY ASSISTANT TO
THE SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE AND
DEPUTY SECRETARY OF DEFENSE**

Mr. ANDREWS. Thank you, sir.

H.R. 1244 has three provisions which are of interest and importance to the Defense Department. They are sections 2(1), which calls for general reimbursement by the Secret Service to the Department of Defense.

The second provision is section 8 which calls for us to transmit a detailed report of expenditures.

Section 10 repeals section 2, Public Law 90-331.

As the House Judiciary Committee report noted, "The provisions of this bill are intended to give force to the principle that fiscal accountability for public expenditures should reside in the agency having the authority to obligate those expenditures." We support this principle and we support the bill in its modified form.

Historically, I might review briefly the relationships between the Defense Department and the Secret Service. Since 1968 we have been operating under an agreement whereby we do provide logistical and other support to the Secret Service in the performance of its mission. However, that agreement did not provide for reimbursement but was, in fact, silent.

H.R. 1244 would now make it plain that reimbursement is intended. In the past, as we have noted, the Secret Service has denied any responsibility to reimburse us except for operational costs of aircraft furnished to the Secret Service.

Under the bill now before you the Defense Department would be reimbursed for all the categories of persons eligible for protection. We feel that this provision is consistent with the Department's

general policy of requiring any other Federal agency to which support is provided to reimburse for the costs incurred. This provision has been in effect the Economy Act for many years, and we have operated under that act in our relations with many other departments and agencies of the Government.

I think in our submissions we have made plain what costs are considered incremental costs and what costs are not.

Attached to our statement is a list of kinds of services rendered to the Secret Service during the 1972 Presidential campaign pursuant to Public Law 90-331. Also included are the costs incurred in providing explosive ordnance disposal services to the Secret Service in 1973 and 1974, exclusive of that provided directly to the President and Vice President. These precedents establish that the costs are identifiable and that there is an accounting method whereby the Congress and the public may learn the true facts.

We believe that with the provisions of the bill, in its amended form, the Defense Department can move forward and work out suitable arrangements with the Secret Service.

That concludes my statement, Mr. Chairman.

Mr. BROOKS. Mr. Andrews, I want to thank you for a very fine and definitive statement which I think reflects the Defense Department's and my own keen interest in efficient management.

I have only a couple questions. Do you anticipate any difficulty in preparing the reports to Congress which this bill requires?

Mr. ANDREWS. We would find no difficulty.

Mr. BROOKS. You keep up with what you spend pretty well?

Mr. ANDREWS. Yes, Mr. Chairman. We have a very elaborate accounting system.

Mr. BROOKS. I want to thank you and Colonel Kempf for your appearance and your time here. Please convey my deep appreciation to Mr. Hoffman for his keen appreciation of this matter.

Mr. ANDREWS. Thank you, Mr. Chairman.

Mr. BROOKS. And the Secretary, Mr. Schlesinger.

Mr. ANDREWS. I shall do so.

Mr. BROOKS. Questions, gentlemen?

[No response.]

Mr. BROOKS. If not, thank you again.

The hearing is adjourned.

[Mr. Andrews' prepared statement follows:]

**PREPARED STATEMENT OF ROBERT T. ANDREWS, SPECIAL ASSISTANT TO THE
GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE**

Mr. Chairman and members of the subcommittee, the Department of Defense appreciates your invitation to appear before the Subcommittee on Legislation and National Security to present its views on H.R. 1244 and on the amendments adopted by the House Judiciary Committee. Accompanying me is Colonel Peter Kempf, United States Air Force, who is assigned to the Office of the Secretary of Defense. In that capacity, he oversees the employment of Department of Defense resources in support of the United States Secret Service.

H.R. 1244

H.R. 1244 establishes procedures and regulations for certain protective services provided by the United States Secret Service. While a number of its provisions relate to matters outside the jurisdiction of the Defense Department, there are three provisions which have an immediate effect on the DoD-Secret Service arrangements for protective support. The first is Section 2(1) which provides that

the Secret Service shall reimburse the Department of Defense and the Coast Guard for protective services rendered, subject to certain exceptions. The second provision is Section 8 which requires the Department of Defense to transmit a detailed report of expenditures made pursuant to this Bill. The third provision is Section 10 which repeals Section 2 of Public Law 90-331 relating to assistance provided the Secret Service by other Departments and Agencies.

The Department of Defense supports the objectives of the Bill, specifically the provisions noted above. As the House Judiciary Report 94-105 noted, "The provisions of this Bill are intended to give force to the principle that fiscal accountability for public expenditures should reside in the agency having the authority to obligate those expenditures."

DEPARTMENT OF DEFENSE-DEPARTMENT OF THE TREASURY AGREEMENT

On June 6, 1968, Congress enacted Public Law 90-331, "Joint Resolution—To Authorize the United States Secret Service to Furnish Protection to Major Presidential or Vice Presidential Candidates." Section 2 of that law requires Federal Departments and Agencies to assist the Secret Service in the performance of its protective duties under Section 18 U.S.C. 3056 and in the performance of its duties to protect major Presidential and Vice Presidential candidates under Section 1 of that Act.

In recognition of these responsibilities, the Secretary of Defense and the Secretary of the Treasury entered into an agreement on June 11, 1968, for the purpose of providing procedures and delineating in more specific terms the logistical assistance and other support the Department of Defense will provide to the Secret Service. On July 15, 1968, the Department of Defense issued Department of Defense Directive 3025.13, "Employment of Department of Defense Resources in Support of the United States Secret Service." Neither the Defense-Treasury Agreement nor the Defense Directive address whether or not reimbursement would be required. The result was that Defense periodically submitted requests to the Secret Service for reimbursement for facilities, equipment and services rendered to the Secret Service. As a general rule, Secret Service denied any responsibility to reimburse, although on occasion it did pay the operational costs of aircraft furnished to the Secret Service.

H.R. 1244 makes plain that reimbursement is intended as a general rule. It would also require Secret Service to make a detailed report of these expenditures to the Committees named in the Bill. It would likewise require the Department of Defense to submit a detailed report of its expenditures except when the support is provided to the President or the Vice President under the exception clause of Section 2(1).

It may be useful at this point to describe the categories of persons who are subject to Secret Service protection. For ease of description, I will divide the list of persons eligible for protection into four categories:

The first category includes the President and his immediate family, the President-elect, the Vice President and his immediate family and the Vice-President-elect.

The second category consists of the former President and his wife, the widow of a former President and the minor children of a former President.

The third category of persons eligible for protection is the visiting heads of foreign states, other distinguished foreign visitors to the United States and official United States representatives performing missions abroad.

The fourth category of persons qualifying for protection is major Presidential and Vice Presidential candidates as determined by the Advisory Committee established by Section 1 of Public Law 90-331.

EFFECT OF REIMBURSEMENT PROVISION

H.R. 1244 provides that the Secret Service will reimburse the Department of Defense for all protective services rendered to categories one through four, except when the protection is provided the President or Vice President, and then only under the circumstances to be described hereafter. This provision is consistent with the Department's general policy of requiring any other Federal agency to which support is provided to reimburse for the costs incurred. The statutory authority for this policy is 31 U.S.C. 686, the so-called Economy Act, under which Defense makes available its unique capabilities to the remainder of the Federal Government when it is determined to be in the national interest and beneficial to overall governmental economy.

The Department seeks reimbursement only for incremental costs, i.e., the costs over and above the costs to the Department for maintaining a given capability in support of its military mission. The reimbursement cost would not include military salaries, purchase of military equipment or other costs normally incurred in the operation of the Military Departments. It would include, for example, incremental aircraft operation and maintenance costs, rental cars, the services of explosive ordnance disposal personnel, and other specialized services in direct support of the Secret Service.

It should be emphasized that incremental costs are in most cases readily identifiable. Attachment A to this statement lists the kinds of services rendered to the Secret Service during the 1972 Presidential campaign pursuant to Public Law 90-331. Attachment B lists the costs incurred in providing explosive ordnance disposal services to the Secret Service in 1973 and 1974, exclusive of that provided directly to the President and Vice President.

The Department of Defense does not consider the reach of H.R. 1244, as modified by the Judiciary Committee, to extend to those services that the Department provides directly to the President as Commander-in-Chief. In that role, the President looks to the Department of Defense to provide him necessary equipment, services and facilities to fulfill certain of his national security responsibilities. These include communications, aircraft, personnel and certain types of physical security devices. These are provided directly to the President, not the Secret Service, even though the Secret Service may exercise a degree of operational control. These services are considered to be appropriate Defense Department expenditures, unlike support provided to the Secret Service for other of its protectees. This rationale also applies to the Vice President as the primary Presidential successor. Accordingly, if the temporary support is provided directly to the President or Vice President and that support is incidentally assisting, it is exempt from the requirement for reimbursement.

The mechanics of properly accounting for support provided other agencies are rather simple and straightforward. As noted earlier, the chargeable costs are incremental and in a majority of cases clearly evident, such as rental cars, aircraft support for a non-military mission, etc. In those few cases where there may be some doubt as to the proper division of costs, they are negotiated with the agency concerned. To date, except for the Secret Service, there have been no situations that could not be resolved. With the reimbursement provision language now proposed by the House Judiciary Committee, the Department of Defense anticipates no difficulty in reaching accord with the Secret Service as to the proper division of costs.

In summary, the Department of Defense supports the objectives of H.R. 1244 as being consistent with sound management and fiscal policy. Should the Committee have any questions or require any additional information for the record, Colonel Kempf and I would be pleased to respond.

[ATTACHMENT A]

PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES DURING ELECTION YEAR PERIOD, JANUARY-NOVEMBER 1972

Cost elements	Army	Navy	Air Force	DCA	Total
Category I:					
Military labor:					
Personnel services.....	\$571,806	\$43,291	\$166,244	\$46,099	\$827,440
Subsistence and quarters.....		2,600	102		2,702
Aircraft operations.....		907			907
Motor vehicle transportation.....			91		91
Subtotal.....	571,806	46,798	166,437	46,099	831,140
Category II:					
Incremental costs:					
Personnel services.....		1,068	3,302	12,527	16,897
Subsistence and quarters.....		270			270
Travel.....	614,107	6,557	333,112	44,997	998,773
Transportation of things.....	1,029		404		1,433
Aircraft operations.....	79,380	8,022			87,402
Motor vehicle transportation.....			3,003	41,933	44,936
Consumable material.....	4,276		798	5,420	10,494
Investment equipment.....			229		229
Communications.....			1,497	237,504	239,001
Clothing allowances.....	25,414		4,100		29,514
Other (toll calls, and generator, room and trailer rentals).....	153	272	1,350		1,775
Subtotal.....	724,359	16,189	347,795	342,381	1,430,724

[ATTACHMENT A]—Continued

PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES DURING ELECTION YEAR PERIOD, JANUARY-
NOVEMBER 1972—Continued

Cost elements	Army	Navy	Air Force	DCA	Total
Category III:					
Total costs:					
Personnel services.....	\$571,806	\$44,359	\$169,546	\$58,626	\$844,337
Subsistence and quarters.....		2,870	102		2,972
Travel.....	614,107	6,557	333,112	44,997	998,773
Transportation of things.....	1,029		404		1,433
Aircraft operations.....	79,380	8,929			88,309
Motor vehicle transportation.....			3,094	41,933	45,027
Consumable material.....	4,276		798	5,420	10,494
Investment equipment.....			229		229
Communications.....			1,497	237,504	239,001
Clothing allowances.....	25,414		4,100		29,514
Other (toll calls, and generator, room and trailer rentals).....	153	272	1,350		1,775
Total.....	1,296,165	62,987	514,232	388,480	2,261,864

Note: Category II expenses are those items which the Department of Defense considers as reimbursable (see statement).

[ATTACHMENT B]

U.S. ARMY¹ INCREMENTAL EXPLOSIVE ORDNANCE DISPOSAL (EOD) COSTS

Reporting commands	EOD costs—	
	1973	1974
Military District of Washington.....		\$1,282
Force command.....		17,094
Health service.....	\$3,050	
Training and doctrine command.....	446,823	
Total.....	449,873	22,376

¹ These figures are illustrative of our ability to break out detailed incremental costs and do not represent the total DOD costs in support of the U.S.S.S. These figures represent only expenditures within the continental United States.

[Whereupon, at 9:50 a.m., the subcommittee adjourned, to recon-
vene subject to the call of the Chair.]

APPENDIXES

APPENDIX 1.—CORRESPONDENCE AND OTHER MATERIAL RELATIVE TO THE HEARING

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., March 10, 1975.

Hon. PETER W. RODINO, Jr.,
*Chairman, House Judiciary Committee,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to concerns regarding H.R. 1244 raised by the Committee staff.

H.R. 1244, as introduced by Mr. Brooks, would have required the Secret Service to reimburse other Departments and Agencies for their assistance in providing protection to the President, Vice President and others who qualify for protection under 18 U.S.C. 3056. The Department fully supports this objective and has indicated its support for the bill in a letter to Congressman Brooks, a copy of which is attached (Tab A). The bill reported out of the subcommittee, specifically the provisions on reimbursement sponsored by Congressman Fish, does not appear fully to realize the basic purpose for which it was originally developed. This letter will address several issues raised by the bill as presently drafted.

In order to preserve the intent of H.R. 1244, as introduced, the Department recommends that Congressman Fish's amendment be deleted in its entirety as it relates to exempting the Department of Defense and the Coast Guard from gaining reimbursement for support provided to the Secret Service. GAO's expressed concerns with the Department's ability to properly determine incremental costs attributable to the type of support and the requirements of the Secret Service are unfounded in fact. The Department presently provides similar services to other agencies on a reimbursable basis and has little difficulty determining incremental costs. If the amendment must remain in the bill in some form, we suggest that the Defense/Coast Guard exemption apply only to Section 2(1) and further, that the remaining exemption apply only to support provided directly to the President and Vice President.

Our concern with regard to reimbursement arises from two primary sources. First, 31 U.S.C. 628 states: "Except as otherwise provided in law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Since P.L. 90-331 and 18 U.S.C. 3056 are silent on the issue of reimbursement, it would seem that the provisions of 31 U.S.C. 628 presently preclude expenditure of defense funds to accomplish the mission of the Secret Service.

Secondly, under the provisions of 31 U.S.C. 686, the so-called Economy Act, this Department makes available its unique capabilities to the remainder of the federal government when it is determined to be in the national interest and beneficial to overall governmental economy. While the Secret Service has maintained that P.L. 90-331 exempts them from the provisions of the Economy Act, P.L. 90-331 is silent as to reimbursement. The legislative history in terms expresses the intent of Congress that the *resources* of other federal agencies be made available to support the Secret Service, but not their *budgets*.

The Department considers the provisions for reimbursement to include only incremental costs, i.e., those costs over and above the cost to the Department for maintaining a given capability in support of its military mission. The reimbursement cost would not include military salaries, purchase of airplanes or other costs normally incurred in the operation of the Military Departments. It would include, however, incremental aircraft operating and maintenance costs, rental cars and the services of explosive ordnance disposal and other specialized personnel.

The argument has been made in support of the Fish amendment that the Secret Service cannot properly budget for its security requirements, as the demand

is not internally controlled. Obviously, the Department of Defense is in no better position in this regard than Secret Service, and has far less basis in expertise for making estimates. Treasury may seek and in the past has sought, supplemental appropriations like any other agency. This means of supplemental funding would further lay out for the Congress the true cost of the Secret Service's protective function.

The mechanics of properly accounting for support provided other agencies are rather simple and straight forward. As noted earlier, the chargeable costs are incremental and in a majority of cases clearly evident, such as per diem, rental cars, aircraft support for a non-military mission, etc. In those few cases where there may be some doubt as to the proper division of costs, they can be negotiated with the agency concerned. To date, there have not been situations that could not be resolved, except in instances in which reimbursement from the Secret Service was requested.

Attached at Tab B is an example of the costs incurred by the Department during the 1972 election campaign. While the Secret Service has not informed us of the level of support required for 1976, the coincidence of the election with the Bicentennial celebration and the Olympics in Canada may require some additional level of expenditures.

Attached at Tab C is an example of the annual recurring costs to the Department, exclusive of the Presidential/Vice Presidential costs primarily arising from Explosive Ordnance Disposal (EOD) support to the Secret Service. These costs arise in the main from requirements to protect foreign dignitaries under the provisions of 18 U.S.C. 3056.

The Military Departments have a unique relationship to the President. We do not consider the reach of H.R. 1244 to extend to those services that the Department provides directly to the President. In his role as Commander-in-Chief, the President looks to the Department of Defense to provide him necessary equipment, services and facilities to fulfill certain of his national security responsibilities. These include communications, aircraft, personnel and certain types of physical security measures. These are provided directly to the President, not to the USSS, even though it may exercise a degree of operational control. Accordingly, they are considered to be appropriate Defense Department expenditures, unlike support provided to other protectees of the USSS. This rationale also applies to the Vice President as the primary Presidential successor.

The main issues to be resolved by H.R. 1244 are budgetary control and accountability. The Department of Defense believes it is both practical and proper that the Secret Service budget for the requirements of its particular mission and reimburse for support provided by other Departments. This method of doing business is consistent with normal inter-agency federal practice and with Congress' desire to account for the costs attending the security functions of the Secret Service.

Sincerely,

MARTIN R. HOFFMANN.

Hon. JACK BROOKS,
House of Representatives,
Washington, D.C.

DEAR MR. BROOKS: This office has received a copy of H.R. 17311, introduced October 11, 1974, a bill "To establish procedures and regulations for certain protective services provided by the United States Secret Service." It is understood that this bill is intended to replace H.R. 11499, which was introduced on November 15, 1973, and reported out by the Subcommittee on Claims and Governmental Relations in October of this year. Since there are some changes in the replacement bill, H.R. 17311, the following comments are submitted on H.R. 17311 for your consideration.

Since enactment of Public Law 90-331 (June 6, 1968) the Department of Defense has consistently taken the position that the Secret Service should reimburse the Department for the support provided to the Secret Service under section 2 of that Act. The Department of Defense has a general policy of requiring any other Federal agency to whom it provides support to reimburse it for the actual costs incurred. The statutory authority for this general rule is found in the Economy Act, 31 U.S.C. 686, which requires a Federal agency to reimburse any other agency upon request, for the actual cost of any support provided to it. Accordingly, the Department of Defense strongly supports section 2(1) of H.R. 17311, which requires the Secret Service to reimburse other Federal departments and agencies whenever they provide support to the Secret Service on a temporary basis.

The following technical comments are also provided for your consideration. A conforming amendment in section 7 may be necessary in order to be consistent with the new language in section 2(l) of the bill. It is recommended that the phrase, "except those made pursuant to section 2(l)," be stricken out in section 7 on line 25 of page 4 and line 1 of page 5. Since there is no longer an exception in section 2(l) requiring certain support to be provided by other agencies without reimbursement, it appears that all expenditures under this bill will be from funds appropriated to the Secret Service. This raises the question whether the reporting requirements of section 8 of the bill are still necessary. If the purpose of the section is to provide accountability for nonreimbursable funds spent by other agencies, it may no longer be necessary. However, if its purpose is to create a reporting requirement even for expenditures for which a Federal department is later reimbursed, then section 8 would still serve a valid purpose.

In conclusion, the Department of Defense strongly recommends enactment of section 2(l) of H.R. 17311 as presently written.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for consideration.

Sincerely,

MARTIN R. HOFFMANN.

SUGGESTED LANGUAGE TO MODIFY THE FISH AMENDMENT

Page 3, line 11 Strike "respectively." and insert "respectively;"

(4) The provisions contained in Section 2(1) of the Act requiring reimbursement of Federal Departments and agencies assisting the United States Secret Service in its protective duties shall not apply to equipment, facilities and services provided by the Department of Defense or the Coast Guard in direct support of the President or Vice President.

DOD COSTS IN SUPPORT OF THE PROTECTION OF PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES DURING ELECTION YEAR PERIOD, JANUARY-NOVEMBER 1972

Cost elements	Army	Navy	Air Force	DCA	Total
Military labor:					
Personnel services.....	\$571,806	\$43,291	\$166,244	\$46,099	\$827,440
Subsistence and quarters.....		2,600	102		2,702
Aircraft operations.....		907			907
Motor vehicle transportation.....			91		91
Subtotal.....	571,806	46,798	166,437	46,099	831,140
Incremental costs:					
Personnel services.....		1,068	3,302	12,527	16,897
Subsistence and quarters.....		270			270
Travel.....	614,107	6,557	333,112	44,997	998,773
Transportation of things.....	1,029		404		1,433
Aircraft operations.....	79,380	8,022			87,402
Motor vehicle transportation.....			3,003	41,933	44,936
Consumable material.....	4,276		798	5,420	10,494
Investment equipment.....			229		229
Communications.....			1,497	237,504	239,001
Clothing allowances.....	25,414		4,100		29,514
Other (toll calls and generator, room and trailer rentals).....	153	272	1,350		1,775
Subtotal.....	724,359	16,189	347,795	342,381	1,430,724
Total costs:					
Personnel services.....	571,806	44,359	169,546	58,626	844,337
Subsistence and quarters.....		2,870	102		2,972
Travel.....	614,107	6,557	333,112	44,997	998,773
Transportation of things.....	1,029		404		1,433
Aircraft operations.....	79,380	8,929			88,309
Motor vehicle transportation.....			3,094	41,933	45,027
Consumable material.....	4,276		798	5,420	10,494
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Other (toll calls and generator, room and trailer rentals).....	153	272	1,350		1,775
Total.....	1,296,165	62,987	514,232	388,480	2,261,864

U.S. ARMY¹ INCREMENTAL EXPLOSIVE ORDNANCE DISPOSAL (EOD) COSTS

Reporting commands	EOD costs--	
	1973	1974
MDW.....		\$1,282
FORSCOM.....		17,094
Health SVC.....	\$3,050	
TRADOC.....	446,823	
Total.....	449,873	22,376

¹ These figures are illustrative of our ability to break out detailed incremental costs and do not represent the total DOD costs in support of the U.S.S.S. These figures represent only expenditures within the continental United States.

APPENDIX 2.—H.R. 1244 AS SUBSEQUENTLY AMENDED BY THE
SUBCOMMITTEE

[COMMITTEE PRINT]

APRIL 14, 1975

Showing H.R. 1244, as reported by the Committee on the
Judiciary and as amended by the Subcommittee on Legis-
lation and National Security

For the information of Members:

- (1) The amendments by the Committee on the Judiciary are as follows:
 - (A) The matter in roman linetype is to be omitted.
 - (B) The matter in italic is to be inserted.
- (2) The amendments by the Subcommittee on Legislation and National Security are as follows:
 - (A) The matter in boldface roman linetype and italic linetype is to be omitted.
 - (B) The matter in boldface italic is to be inserted.

94TH CONGRESS
1ST SESSION

H. R. 1244

[Report No. 94-105, Part I]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. Brooks introduced the following bill; which was referred to the Com-
mittees on Government Operations and the Judiciary

MARCH 20, 1975

Reported from the Committee on the Judiciary, with amendments, and ordered
to be printed

A BILL

To establish procedures and regulations for certain protective
services provided by the United States Secret Service.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Presidential Protection
- 4 Assistance Act of 1975".

1 SEC. 2. In performance of the protective duties of the
2 United States Secret Service pursuant to section 3056 of title
3 18 of the United States Code (pertaining to the protection
4 of the President of the United States and other persons) and
5 the first section of the Act entitled "An Act to authorize the
6 United States Secret Service to furnish protection to major
7 presidential or vice presidential candidates", approved June
8 6, 1968 (Public Law 90-331; 82 Stat. 170), Federal de-
9 partments and agencies shall assist the United States Secret
10 Service by—

11 ~~(1) providing, with reimbursement, personnel,~~
12 ~~equipment, or facilities on a temporary basis; (1) pro-~~
13 ~~viding with reimbursement, when requested by the Di-~~
14 ~~rector of the United States Secret Service or his author-~~
15 ~~ized representative and on a reimbursable basis, services,~~
16 ~~equipment, or facilities on a temporary basis except that~~
17 ~~the Department of Defense and the Coast Guard may~~
18 ~~shall provide such services, equipment, or facilities on a~~
19 ~~temporary basis without reimbursement when assisting the~~
20 ~~United States Secret Service in its duties directly related~~
21 ~~to the protection of the President or Vice President of the~~
22 ~~United States or other officer next in the order of suc-~~
23 ~~cession to the office of President;~~

24 (2) providing, upon advance written request of the
25 Director of the United States Secret Service or his au-

1 thorized representative and ~~upon reimbursement by the~~
2 ~~United States Secret Service of actual costs, on a~~
3 *reimbursable basis* such facilities, equipment, and serv-
4 ices as are required by the United States Secret Service
5 to provide full-time security for each protectee at no more
6 than one property at a time not in Government owner-
7 ship or control, such property having been designated by
8 a President, President-elect, former President, or any
9 other person entitled to protection under the above pro-
10 visions of law, as the one property to be secured under
11 this paragraph. Where more than one family member
12 is eligible for Secret Service protection, there shall be
13 only one such designated property allowed per family.
14 ~~However, : Provided, however, That~~ such limitation
15 shall not be construed to apply to members of the imme-
16 diate family who do not permanently reside with the
17 person entitled to protection;
18 (3) providing, upon advance written request of
19 the Director of the United States Secret Service or his
20 authorized representative and ~~upon reimbursement by~~
21 ~~the Secret Service of actual costs, on a reimbursable~~
22 *basis* such facilities, equipment, and services, as are
23 required by the United States Secret Service to ~~secure~~
24 *provide full-time security at* any ~~other~~ property not
25 *covered by paragraph (2) of this section and not in*

1 Government ownership or control to the extent that such
2 expenditures do not cumulatively exceed \$10,000 at any
3 one property owned, leased, occupied, or otherwise
4 utilized by persons entitled to protection under such
5 sections of title 18 and such Act unless approved by
6 resolutions adopted by the Committees on Appropria-
7 tions of the House and Senate, respectively.

8 SEC. 3. Expenditures by the United States Secret Service
9 for maintaining a permanent guard detail and for permanent
10 facilities, equipment, and services to secure non-Government
11 property owned, leased, occupied, or otherwise utilized by
12 persons entitled to protection under the above provisions of
13 law shall be limited ~~to properties described in section 2(2)~~
14 *as provided in section 2(2) and (3) of this Act.*

15 SEC. 4. All purchases and contracts entered into pursu-
16 ant to sections 2 (2), 2 (3), and 3 of this Act shall be made
17 in accordance with the provisions of the Federal Property
18 and Administrative Services Act of 1949.

19 SEC. 5. No payments shall be made pursuant to this Act
20 for services, equipment, or facilities ordered, purchased,
21 leased, or otherwise procured by persons other than officers
22 or employees of the Federal Government duly authorized by
23 the Director of the United States Secret Service to make such
24 procurements.

25 SEC. 6. All improvements and other items acquired pur-

1 suant to this Act shall ~~remain~~ *be* the property of the Federal
2 Government. Upon termination of entitlement to Secret Serv-
3 ice protection or if a President, President-elect, former Presi-
4 dent, or other person entitled to protection under section
5 3056 of title 18 of the United States Code and the first
6 section of the Act entitled "An Act to authorize the United
7 States Secret Service to furnish protection to major Presi-
8 dential or Vice Presidential candidates", approved June 6,
9 1968 (Public Law 90-331; 82 Stat. 170), designates a dif-
10 ferent property to be so secured, all improvements or other
11 items shall be removed from the original property unless it
12 is economically unfeasible to do so, as determined by the
13 United States Secret Service, except that, such improvements
14 or other items shall be removed and the property restored
15 to its original state, regardless of the determination of eco-
16 nomic unfeasibility, if the owner of such property at the time
17 of determination requests removal. ~~If improvements or other~~
18 ~~items are not removed, the owner of the property at the time~~
19 ~~of determination shall compensate the Government for such~~
20 ~~improvements or other items to the extent they have in-~~
21 ~~creased the fair market value of the property as of the date~~
22 ~~of transfer or termination. If improvements or other items are~~
23 ~~not removed, the owner of the property containing the im-~~
24 ~~provements at the time of termination shall compensate the~~
25 ~~Government for the original cost of such improvements or~~

1 *other items or the amount they have increased the fair mar-*
2 *ket value, as determined by the General Accounting Office,*
3 *of the property as of the date of transfer or termination*
4 *whichever is less.*

5 SEC. 7. Expenditures under this Act shall be from funds
6 specifically appropriated to the United States Secret Service
7 for carrying out the provisions of this ~~Act~~ *Act, with the ex-*
8 *ception of those expenditures exempted in section 2(1).* Public
9 funds not so appropriated shall not be used for the purpose of
10 securing any non-governmentally-owned property owned,
11 leased, occupied, or otherwise utilized by persons entitled to
12 protection under section 3056 of title 18 of the United States
13 Code and the first section of the Act entitled "An act to au-
14 thorize the United States Secret Service to furnish protec-
15 tion to major presidential or vice-presidential candidates",
16 approved June 6, 1968 (Public Law 90-331; 82 Stat. 170).

17 SEC. 8. The *Director of the* United States Secret Service,
18 *the Secretary Department of Defense, and the Commandant*
19 *of the Coast Guard* shall transmit a detailed report of ex-
20 penditures made pursuant to this Act to the Committees on
21 Appropriations, *Committees on the Judiciary,* and Commit-
22 tees on Government Operations of the House of Representa-
23 tives; and Senate on March 31 and September 30 of each
24 year.

1 SEC. 9. Expenditures made pursuant to this Act shall be
2 subject to audit by the Comptroller General and his author-
3 ized representatives, who shall have access to all records
4 relating to such expenditures. The Comptroller General shall
5 transmit a report of the results of any such audit to the Com-
6 mittees on Appropriations, *Committees on the Judiciary*, and
7 Committees on Government Operations of the House of Rep-
8 resentatives and the Senate.

9 SEC. 10. Section 2 of the Act entitled "An Act to auth-
10 orize the United States Secret Service to furnish protection
11 to major presidential and vice-presidential candidates", ap-
12 proved June 6, 1968 (Public Law 90-331; 82 Stat. 170),
13 is repealed.

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